

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

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v.

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Criminal No. RDB-14-0130

SHAWNA MICHELLE GUNTER

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MEMORANDUM ORDER

The Defendant, Shawna Michelle Gunter, entered a plea of guilty to Counts I and II of the Indictment charging her with wire fraud in violation of 18 U.S.C. §1343(Count I) and Aggravated Identity Theft in violation of 18 U.S.C. §1028A on October 29, 2014(Count II). That guilty plea was entered pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure with an agreed total sentence of 36 months incarceration to be followed by a period of supervised release including 6 months of home detention. Her sentencing is scheduled for January 30, 2015 at 10:00 a.m. The offenses to which she plead guilty involved posing as a physician's assistant for a pediatrician and diagnosing and treating infant children.

On November 19, 2014 United States Magistrate Judge Stephanie A. Gallagher issued an Order detaining the Defendant. Ms. Gunter has appealed that order pursuant to 18 U.S.C. §3145(b) (ECF#76). The Government continues to oppose Ms. Gunter's release on the grounds that she is a flight risk and a danger to the community. (ECF#69) It is agreed by counsel that the question of release has been argued before Judge Gallagher on several occasions. (ECF#s 12, 18 & 67)

Furthermore, this Court has reviewed submissions concerning the mental health of Ms. Gunter (ECF#53). This Court having reviewed this material once again, as well as the agreed statement of facts supporting the Defendant's entry of guilty pleas in this case **DENIES** this appeal of Judge Gallagher's Order. Pursuant to 18 U.S.C. §3143(a)(1) the Court shall Order that a Defendant awaiting imposition of sentence be detained "unless the judicial officer finds by clear and

convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released.” The record in this case does not support any such finding and the Defendant Shawna Michelle Gunter shall remain in custody awaiting her sentencing on January 30, 2015. She shall be given credit for any time served in federal custody toward her agreed 36 month sentence.

_____/s/_____
Richard D. Bennett
United States District Judge